

CIVIL COVER SHEET

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

VANESSA CURRA

SUFFOLK

DEFENDANTS

15

TATE & KIRLIN ASSOCIATES, INC.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)15-0892
PHILADELPHIA

(c) Attorneys (Firm Name, Address, and Telephone Number)

BARSHAY SANDERS, PLLC

100 Garden City Plaza, Ste 500, Garden City, NY 11530
(516) 203-7600

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

O 1 U.S. Government Plaintiff Federal Question (U.S. Government Not a Party)O 2 U.S. Government Defendant Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	O 1	O 1	Incorporated or Principal Place of Business In This State	O 4 O 4
Citizen of Another State	O 2	O 2	Incorporated and Principal Place of Business In Another State	O 5 O 5
Citizen or Subject of a Foreign Country	O 3	O 3	Foreign Nation	O 6 O 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
O 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	O 625 Drug Related Seizure of Property 21 USC 881	O 375 False Claims Act
O 120 Marine	O 310 Airplane	O 365 Personal Injury - Product Liability	O 690 Other	O 400 State Reapportionment
O 130 Miller Act	O 315 Airplane Product Liability	O 367 Health Care/Pharmaceutical Personal Injury		O 410 Antitrust
O 140 Negotiable Instrument	O 320 Assault, Libel & Slander	O 368 Product Liability		O 430 Banks and Banking
O 150 Recovery of Overpayment & Enforcement of Judgment	O 330 Federal Employers' Liability	O 368 Asbestos Personal Injury Product Liability		O 450 Commerce
O 151 Medicare Act	O 340 Marine	O 345 Marine Product Liability		O 460 Deportation
O 152 Recovery of Defaulted Student Loans (Excludes Veterans)	O 345 Marine Product Liability	O 350 Motor Vehicle		O 470 Racketeer Influenced and Corrupt Organizations
O 153 Recovery of Overpayment of Veteran's Benefits	O 350 Motor Vehicle	O 370 Other Fraud		● 480 Consumer Credit
O 160 Stockholders' Suits	O 355 Motor Vehicle Product Liability	O 371 Truth in Lending		O 490 Cable/Sat TV
O 190 Other Contract	O 360 Other Personal Injury	O 380 Other Personal Property Damage		O 850 Securities/Commodities/ Exchange
O 195 Contract Product Liability	O 362 Personal Injury - Medical Malpractice	O 385 Property Damage Product Liability		O 890 Other Statutory Actions
O 196 Franchise				O 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	O 893 Environmental Matters
O 210 Land Condemnation	O 440 Other Civil Rights	Habeas Corpus:	O 861 HIA (1395ff)	O 895 Freedom of Information Act
O 220 Foreclosure	O 441 Voting	O 463 Alien Detainee	O 862 Black Lung (923)	O 896 Arbitration
O 230 Rent Lease & Ejectment	O 442 Employment	O 510 Motions to Vacate Sentence	O 863 DIWC/DIW (405(g))	O 899 Administrative Procedure
O 240 Torts to Land	O 443 Housing/ Accommodations	O 530 General	O 864 SSID Title XVI	Act/Review or Appeal of Agency Decision
O 245 Tort Product Liability	O 445 Amer. w/Disabilities - Employment	O 535 Death Penalty	O 865 RSI (405(g))	O 950 Constitutionality of State Statutes
O 290 All Other Real Property	O 446 Amer. w/Disabilities - Other	Other:		
	O 448 Education	O 540 Mandamus & Other		
		O 550 Civil Rights		
		O 555 Prison Condition		
		O 560 Civil Detainee Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

● Original Proceeding O 2 Removed from State Court O 3 Remanded from Appellate Court O 4 Reinstated or Reopened O 5 Transferred from Another District (specify) O 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 USC §1692

VI. CAUSE OF ACTION

Brief description of cause: Fair Debt Collection Practices Act Violation

VII. REQUESTED IN COMPLAINT:

O CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.DEMAND \$1000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: ● Yes O No

VIII. RELATED CASE(S)

IF ANY (See instructions):

JUDGE

DOCKET NUMBER

JUN 26 2015

DATE

June 22, 2015

SIGNATURE OF ATTORNEY OF RECORD

S.T.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

GAM

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

15 3592

Address of Plaintiff: 40 Fairfield Way, COMMACK, New York 11725

Address of Defendant: 2810 Southampton Road, PHILADELPHIA, Pennsylvania 19154

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____

Judge _____

Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes No

CIVIL: (Place ✓ IN ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
(Please specify) FDCPA 15 U.S.C. 1692

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

I, Melissa Pirillo,

counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Attorney-at-Law
DATE: June 22, 20153f4730

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JUN 26 2015

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Attorney-at-Law
DATE: June 22, 2015314730

Attorney I.D.#



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Vanessa Curra

v.

Tate & Kirlin Associates, Inc.

: CIVIL ACTION

: NO. **15 3592**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

June 22, 2015

Date

(516) 203-7600

Telephone

Attorney-at-law

(516) 282-7878

FAX Number

PLAINTIFF

Attorney for

mpirillo@sanderslawllc.com

E-Mail Address

JF400
GAM

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Email: ConsumerRights@BarshaySanders.com
Attorneys for Plaintiff
Our File No.: 108937

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

VANESSA CURRA,

Plaintiff,

vs.

TATE & KIRLIN ASSOCIATES, INC.,

Defendant.

Docket No: 18-382

COMPLAINT

JURY TRIAL DEMANDED

BARSHAY | SANDERS PLLC
100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NEW YORK 11530

VANESSA CURRA (hereinafter referred to as "*Plaintiff*"), by and through the undersigned counsel, complains, states and alleges against TATE & KIRLIN ASSOCIATES, INC. (hereinafter referred to as "*Defendant*"), as follows:

INTRODUCTION

1. This action seeks to recover for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, ("FDCPA.").

JURISDICTION AND VENUE

2. This Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

3. This Court has personal jurisdiction over Defendant because Defendant maintains its principal place of business in Pennsylvania.

4. Venue is proper under 28 U.S.C. §1331(b) because Defendant resides in this Judicial District and/or because a substantial part of the events or omissions giving rise to this claim occurred in this Judicial District.

5. At all relevant times, Defendant conducted business within the State of Pennsylvania.

PARTIES

6. Plaintiff is an individual who is a citizen of the State of New York.

7. Plaintiff, a “consumer” as defined by 15 U.S.C. § 1692a(3), is allegedly obligated to pay a debt.

8. On information and belief, Defendant's principal place of business is located in Philadelphia, Pennsylvania.

9. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

10. Defendant is a person who uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, and is therefore a “debt collector” as defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS

11. Plaintiff's alleged debt was primarily for personal, family or household purposes and is therefore a “debt” as defined by 15 U.S.C. § 1692a(5).

12. Sometime after the incurrence of the debt, but before the initiation of this action, Plaintiff is alleged to have fallen behind on payments allegedly owed on the alleged debt.

13. At a time known only to Defendant, Plaintiff's alleged debt was assigned or otherwise transferred to Defendant for collection.

14. In its efforts to collect the alleged debt, Defendant contacted Plaintiff by written correspondence. (“Exhibit 1.”)

15. Defendant's written correspondence to Plaintiff is a “communication” as defined by 15 U.S.C. § 1692a(2).

16. As set forth in the following Counts, Defendant's communication violated the FDCPA.

FIRST COUNT
Violation of 15 U.S.C. § 1692f
Disclosure of Plaintiff's Account Number

17. Plaintiff repeats and realleges the foregoing paragraphs as if fully restated herein.
18. 15 U.S.C. § 1692f provides a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.
19. 15 U.S.C. § 1692f(8) limits the language and symbols that a debt collector may place on envelopes it sends to debtors.
20. 15 U.S.C. § 1692f(8) prohibits a debt collector from using any language or symbols on the envelope, other than the debt collector's address, when communicating with a debtor by mail, except that a debt collector may place its business name on the envelope if such name does not indicate that the debt collector is in the debt collection business.
21. 15 U.S.C. § 1692f(8)'s prohibition applies to language and symbols both on the envelope, and language and symbols visible through any glassine window of the envelope. *See, Douglass v. Convergent Outsourcing*, 765 F.3d 299 (3rd Cir 2014).
22. 15 U.S.C. § 1692f(8) prohibits a debt collector's disclosure of the debtor's account number on the envelope. *Id.*
23. 15 U.S.C. § 1692f(8) prohibits a debt collector's disclosure of the debtor's account number by making such visible through any glassine window of the envelope. *Id.*
24. Defendant assigned Plaintiff account number XXXX9082.
25. Defendant disclosed Plaintiff's account number in its mailing to Plaintiff by placing such on the envelope, or making such visible through the glassine window of the envelope.
26. Defendant has violated § 1692f by disclosing Plaintiff's account number in its mailing to Plaintiff.

JURY DEMAND

27. Plaintiff hereby demands a trial of this action by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- a. Statutory damages of \$1,000.00 against Defendant pursuant to 15 U.S.C. §

1692k; and

- b. Plaintiff's attorneys' fees pursuant to 15 U.S.C. § 1692k; and
- c. Plaintiff's actual damages; and
- d. Plaintiff's costs; all together with
- e. Such other relief that the Court determines is just and proper.

DATED: June 22, 2015

BARSHAY SANDERS, PLLC

By: 

Melissa A. Pirillo

BARSHAY SANDERS, PLLC

100 Garden City Plaza, Suite 500

Garden City, New York 11530

Tel: (516) 203-7600

Fax: (516) 706-5055

ConsumerRights@BarshaySanders.com

Attorneys for Plaintiff

Our File No.: 108937

EXHIBIT 1

 2810 Southampton Road
Philadelphia PA 19154
ADDRESS SERVICE REQUESTED

TATE & KIRLIN ASSOCIATES

2810 Southampton Road • Philadelphia, PA 19154
Toll Free (877) 846-3731 • (215)554-6488
www.paytka.com

July 23, 2014

0008120024019170023111720341716-1YAI-Y18B01U430 202



[REDACTED] 9082 - 013 - 292
VANESSA CURRA
40 Buirfield Way Apt 16
Commack NY 11725-3417



Creditor: ALLY
Previous Creditor: ALLY
Client Reference #: [REDACTED] 5591
Account #: [REDACTED] 9082
Balance: \$1364.51

This letter is being sent to remind you that your payment of \$15.00 is due to be debited against your account on 07-31-14.

Should you have any questions or if you would like to discuss your payment, please call (877) 846-3731.

Very truly yours,

MELISSA CONNELL

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

Our office hours are Monday through Thursday 8:00AM - 9:00PM, Friday 8:00AM - 7:00PM,
Saturday through Sunday 10:00AM - 2:00PM

292-HWTATE10-013-06/01/13

*** Please detach the lower portion and return with your payment ***

Change of Address Information:	
[REDACTED] 9082 VANESSA CURRA	
Address	
CITY, STATE, ZIP	
HOME PHONE	BUSINESS PHONE
PLEASE CIRCLE THE CREDIT CARD YOU WISH TO USE	
<input type="checkbox"/> MasterCard	<input type="checkbox"/> VISA
CARD NUMBER	
EXP. DATE	
CARD HOLDER NAME	
SIGNATURE	
AMOUNT PAID	



Client Reference #: [REDACTED] 5591
Account #: [REDACTED] 9082
Balance: \$1364.51


Tate & Kirlin Associates
2810 Southampton Rd
Philadelphia PA 19154-1207